

S. No. 150

Supplementary Cause List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1227/2025

CM (3257/2025)

NAZIR AHMAD AND ORS.

...Appellant/Petitioner(s)

Through: Mr. M. M. Khan, Adv.

Vs.

UNION TERRITORY OF J&K AND OTHERS.

...Respondent(s)

Through: Mr. Illyas Laway, GA
Mr. Faizan Ahmad, CGC vice
Mr. T. M. Shamsi, DSGI

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

28.05.2025

1. On asking of the court, Mr. Illyas Laway, learned GA caused appearance on behalf of respondents 1 to 3 & 6 and Mr. Faizan Ahmad, learned counsel appears vice Mr. T. M. Shamsi, learned DSGI on behalf of respondents 4 and 5.
2. The present petition is by way of second round of litigation. In the earlier round of litigation, the writ petition preferred by the petitioners was disposed of by the Division Bench of this court on 24.12.2021 in the following manner:

"In view of the nature of relief sought for, coupled with the agreement of the learned counsel for the petitioners, this writ petition is disposed of with a direction to the petitioners to approach the Collector, Land Acquisition (SDM), Uri-Respondent No. 3 herein as well as Tehsildar, Uri-Respondent No. 6 herein with their grievance, as projected herein this petition within one week from the date of receipt of copy of order passed today. Upon receipt of

any such application/representation, on behalf of the petitioners along with a copy of this order, the aforesaid authorities shall consider the same and pass appropriate orders thereon in accordance with the law and the rules governing the field most expeditiously, preferably within two months thereafter.”

3. Since the aforesaid order was not complied with, petitioners were constrained to file a contempt petition which was registered as CCP(D) No. 16/2022 in which the respondents had taken a specific stand that the case of the petitioners, at the time of filing of the statement of facts i.e. on 23.12.2023, was under process and it had been pleaded that once the case of the petitioners for release of rent is approved by the defense authorities, the same will be disbursed among rightful land owners in accordance with the rules.
4. The aforesaid contempt petition was thereafter closed by this court on 09.10.2024 on the ground that the petitioners have not approached the respondents with a plea to regularize the land under the occupation of the Army and indent was to be furnished along with the requisite sanction from the defense authorities to enable the said office to process the case for release of rentals in favour of the petitioners under the provisions of RAIP Act.
5. In the aforesaid backdrop, the contempt court was of the view that the direction passed in WP (C) No. 2700/2021 stood complied with and accordingly, the proceedings in the aforesaid contempt petition were closed. However, it was left open for the petitioners to seek appropriate remedy available to them under law for the redressal of their grievances.

6. Thus, from a bare perusal of the aforesaid order passed by the learned writ court which culminated into the order passed by the contempt court mentioned supra, a duty was cast upon the petitioners to have approached the respondents in furtherance of the implementation of the order passed by this court in order to regularize the land under the occupation of the Army so that the rentals are released in their favour under the Act.

7. When a specific query was raised by this court to the learned counsel for the petitioner to apprise this court with regard to the steps taken in furtherance of the aforesaid direction, the learned counsel for the petitioners could not give any satisfactory reply. The learned counsel for the petitioners however fairly submits that he has already taken the requisite steps in compliance to the order passed by the Division Bench mentioned supra, but he has not taken any fresh steps in terms of the order passed by the contempt court dated 09.10.2024.

8. When confronted with the same, learned counsel for the petitioners, undertake to file a fresh representation in this regard in conformity with the order passed by the contempt court within one week from today and subject to filing of such representation, with a view to release the rentals for the land in occupation of the Army within the aforesaid period, the respondent-Union shall issue an indent thereafter and the requisite sanction shall also be issued within a period of four weeks thereafter by the defense authorities, so that the case is

processed for release of the rentals in favour of the petitioners after due verification and fulfilment of all codal formalities under the provisions of RAIP Act, as already directed by this court vide order dated 09.10.2024 in CCP(D) No. 16/2022.

9. The entire exercise be completed within one month. It is made clear that in case the rental compensation is not paid to the petitioners after following the codal formalities as envisaged under law within the aforesaid period, then the petitioners will be entitled to interest @ 6% from the date the said amount was being payable and denied by the respondents.

10. The writ petition is **disposed of** in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR
28.05.2025
Sakeena

Whether the order is speaking	Yes/No
Whether the order is reportable	Yes/No